

1 United States of America,)
 2)
 3 Plaintiff,)
 4)
 5 v.) No. CR-11-0597-DLJ
 6) CR-11-0593-DLJ
 7 Jose Romero,)
 8)
 9 Defendant.) **ORDER**
 10)
 11 _____)

12 On December 6, 2011, the government filed an appeal of
 13 Magistrate Judge LLOYD's Order permitting defendant Jose Romero
 14 ("Romero") to be released pending trial pursuant to conditions
 15 he set.

16 On December 13, 2011 this Court held a *de novo* hearing on
 17 the matter. Attorney Daniel Kaleba appeared on behalf of the
 18 United States and defendant was represented by Attorney Mary
 19 Conn. Having reviewed the papers and having heard oral argument
 20 on this matter, the Court finds the following.

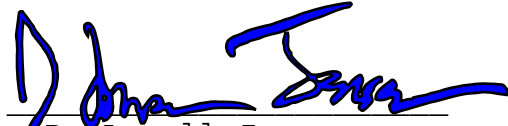
21 The Bail Reform Act requires the courts to apply the least
 22 restrictive condition or combination of conditions which will
 23 reasonably assure the appearance of the person as required and
 24 the safety of the community. 18 U.S.C. § 3142(c)(2). The
 25 Government bears the burden of showing a flight risk by a
 26 preponderance of the evidence and a danger to the community by
 27 clear and convincing evidence. *United States v. Motamendi*, 767
 28 F.2d 1403 (9th Cir. 1985). See also 18 U.S.C. § 3142(g).

The Court has reviewed the materials filed in this matter
 and finds that the conditions fashioned by Judge Lloyd, along
 with an additional condition that defendant post a \$50,000 bond

1 would be sufficient to support his release pending trial while
2 still reasonably assuring the appearance of defendant as
3 required and the safety of the community.

4
5
6 IT IS SO ORDERED.

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8 Dated: December 16, 2011


D. Lowell Jensen
United States District Judge